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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/609,480 | 07/01/2003 | Gary C. Gait | STX-015 | 2211 |

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| EXAMINER |
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CHAMBERS, MICHAEL S

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| ART UNIT | PAPER NUMBER |
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3711

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,480

Applicant(s)

GAIT ET AL.

Examiner

Michael Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/11/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Brine III et al. Brine III et al discloses a

a frame having a top edge (34), a bottom edge (24), an interior face, and an exterior face, wherein the frame encloses an interior area, and wherein the frame is adapted to receive a pocket disposed adjacent to the bottom edge (fig 1); and at least one protrusion (44) disposed on the top edge, wherein the at least one protrusion protrudes toward the interior area (44) (fig 3, 4).

As to claim 2 : Brine III et al discloses a protrusion disposed on at least one sidewall (fig 3,4).

Also,

Claims 1-3,6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dill et al (5651549). Dill et al discloses a

a frame having a top edge (9), a bottom edge (10), an interior face, and an exterior face, wherein the frame encloses an interior area, and wherein the frame is adapted to receive a pocket disposed adjacent to the bottom edge (fig 1); and at least one protrusion (un-numbered protrusions next to item 9, fig 1) disposed on the top edge, wherein the at least one protrusion protrudes toward the interior area.

As to claim 2: Dill et al discloses a protrusion disposed on at least one sidewall (fig 1).

As to claim 3 : Dill et al discloses a bottom protrusion (10).

As to claim 6 : Dill et al discloses a head adapted to receive a shaft (4)

As to claim 8 : Dill et al discloses at least two protrusions spaced apart from each other (fig 4 item 60,62)

Also,

Claims 1-3, 5-8, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Morrow (6,066,056). Morrow discloses a

a frame having a top edge (60), a bottom edge (fig 2), an interior face, and an exterior face, wherein the frame encloses an interior area, and wherein the frame is adapted to receive a pocket disposed adjacent to the bottom edge (fig 2); and at least one protrusion (60) disposed on the top edge, wherein the at least one protrusion protrudes toward the interior area (60) (fig 3, 4).

As to claim 2 : Morrow discloses a protrusion disposed on at least one sidewall (fig 3,4).

As to claim 3 : Morrow discloses a bottom protrusion (fig 3,4). The bottom protrusion is broadly interpreted to be the section of the sidewall adjacent to item 30 in

fig 3. The sidewalls are segmented and the lower section protrudes inward from the sidewall.

As to claim 5 : Morrow discloses a first top protrusion (fig 4- 1st protrusion near the stop) , a second top protrusion (fig 4- 1st protrusion near scoop) and a bottom protrusion un numbered bottom edge adjacent to item 30).

As to claim 6 : Morrow discloses a head adapted to receive a shaft (fig 4 item 40)

As to claim 7 : Morrow discloses a protrusion (fig 3,4). The height of the top protrusion + the height of the sidewall + the height of the bottom protrusion has to be greater that the height of the sidewall. If the sidewall is 2" and the height of the bottom protrusion is ¼" and the top protrusion is ¼", the combination as claimed is 2 ½" which is greater than 2".

As to claim 8 : Morrow discloses at least two protrusions spaced apart from each other (fig 4 item 60,62)

As to claim 10 : Morrow discloses a frame that does not exceed a specified height (fig 4). See claim 7 rejection.

As to claim 11 : Morrow discloses a head. See claim 6 and 7 rejections.

As to claim 12 : Morrow discloses thread openings (34).

Also,

Claims 1-3,5-17,19-22,and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Morrow et al (6,561,932). Morrow et al discloses a

a frame having a top edge (60), a bottom edge (fig 2), an interior face, and an exterior face, wherein the frame encloses an interior area, and wherein the frame is

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adapted to receive a pocket disposed adjacent to the bottom edge (fig 2); and at least one protrusion (item 41 fig 1) disposed on the top edge, wherein the at least one protrusion protrudes toward the interior area (41, fig 1).

As to claim 2 : Morrow discloses a protrusion disposed on at least one sidewall (41, fig 1).

As to claim 3 : Morrow discloses a bottom protrusion (fig 2, 36).

As to claim 5 : Morrow discloses a first and second top protrusion (fig 1, 34,41).

No structure has been provided in the claim to define said protrusions.

As to claim 6 : Morrow discloses a head adapted to receive a shaft (fig 1, item 24)

As to claim 7 : Morrow discloses a protrusion (fig 1,2). The height of the top protrusion + the height of the sidewall + the height of the bottom protrusion has to be greater than the height of the sidewall. If the sidewall is 2" and the height of the bottom protrusion is $\frac{1}{4}$ " and the top protrusion is $\frac{1}{4}$ ", the combination as claimed is $2\frac{1}{2}$ " which is greater than 2".

As to claim 8 : Morrow discloses a first and second top protrusion (fig 1, 34,41).

No structure has been provided in the claim to define said protrusions.

As to claim 9 : Morrow discloses a protrusion that protrudes away from the interior area (item 36 fig 2).

As to claim 10 : Morrow discloses a frame that does not exceed a specified height (fig 4). See claim 7 rejection.

As to claim 11 : Morrow discloses a head. See claim 6 and 7 rejections.

As to claim 12 : Morrow discloses thread openings (40 fig 4).

As to claim 13 : Morrow discloses a frame having a top edge (12 fig 1), a bottom edge (fig 2), an interior face, and an exterior face, wherein the frame encloses an interior area, and wherein the frame is adapted to receive a pocket disposed adjacent to the bottom edge (fig 2); and at least one protrusion (16) disposed on the top edge, wherein the at least one protrusion protrudes away from the interior area (36) (fig 2).

As to claim 14 : Morrow discloses a protrusion disposed on at least one sidewall (41, fig 1).

As to claim 15 : Morrow discloses two protrusions (fig 3, 4). Since no structure has been provided to define said protrusions, the bottom of protrusion 36 (fig 1) and the top of protrusion 41 are spaced apart from each other.

As to claim 16 : Morrow discloses an opening for a pocket (fig 3, 4).

As to claim 17 : See claim 1 rejection. Since no structure has been provided to define said top protrusions, it can be the top edge section of the sidewall shown in fig 1 item 16. As noted in the claim 7 rejection , the sum of the whole +the sum of the part will always exceed the sum of the whole.

As to claim 19 : Morrow discloses a head adapted to receive a shaft (fig 1, item 24).

As to claim 20 : See claim 1 rejection.

As to claim 21 : Morrow discloses a tab that protrudes away from the interior area (38 fig

As to claim 22 : Morrow discloses a tab that protrudes away from the interior area (36 fig

As to claim 24 : Morrow discloses a head adapted to receive a shaft (fig 1, item 24) with a sidewall no greater than a specified sidewall height.

As to claim 25 : See claim 20 rejection. . As noted in the claim 7 rejection , the sum of the whole +the sum of the parts will always exceed the sum of the whole.

As to claim 26 : Morrow discloses a tooth disposed on the top edge of a sidewall (Since no structure has been provided in the claim language, item 16 in fig 1 is considered a tooth.), a tab disposed at the bottom of the sidewall (item 36 in fig 2) with a sidewall height no greater than the maximum sidewall height.

As to claim 27 : Morrow discloses tab that protrudes towards the interior area (inner edge of item 36 fig 2).

As to claim 28 : Morrow discloses tab that protrudes away from the interior area (outer edge of item 36 fig 2).

As to claim 29 : Morrow discloses thread openings (40 fig 4).

Also,

Claims 1-3,5-8,10-17,19-20,and 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tucker et al (6,723,134). Tucker et al discloses a

a frame having a top edge , a bottom edge , an interior face, and an exterior face, wherein the frame encloses an interior area, and wherein the frame is adapted to receive a pocket disposed adjacent to the bottom edge (fig 2a); and at least one protrusion (item 206) disposed on the top edge, wherein the at least one protrusion protrudes toward the interior area.

As to claim 2 : Tucker discloses a protrusion disposed on at least one sidewall (206).

As to claim 3 : Tucker discloses a bottom protrusion (208).

As to claim 5 : Tucker discloses a first and second top protrusion (fig 2a,206).

No structure has been provided in the claim to define said protrusions.

As to claim 6 : Tucker discloses a head adapted to receive a shaft (item 200)

As to claim 7 : Tucker discloses a protrusion (fig 2a). The height of the top protrusion + the height of the sidewall + the height of the bottom protrusion has to be greater than the height of the sidewall. If the sidewall is 2" and the height of the bottom protrusion is $\frac{1}{4}$ " and the top protrusion is $\frac{1}{4}$ ", the combination as claimed is $2\frac{1}{2}$ " which is greater than 2".

As to claim 8 : Tucker discloses a first and second top protrusion (206). No structure has been provided in the claim to define said protrusions.

As to claim 10 : Tucker discloses a frame that does not exceed a specified height (fig 2a). See claim 7 rejection.

As to claim 11 : Tucker discloses a head. See claim 6 and 7 rejections.

As to claim 12 : Tucker discloses thread openings (208).

As to claim 13 : Tucker discloses a frame having a top edge (fig 2a), a bottom edge, an interior face, and an exterior face, wherein the frame encloses an interior area, and wherein the frame is adapted to receive a pocket disposed adjacent to the bottom edge (fig 2a); and at least one protrusion (206) disposed on the top edge, wherein the at least one protrusion protrudes away from the interior area (exterior protrusion extends away from the interior on the exterior side of the frame) (fig 2a).

As to claim 14 : Tucker discloses a protrusion disposed on at least one sidewall (206).

As to claim 15 : Tucker discloses two protrusions (206 fig 2a).

As to claim 16 : Tucker discloses an opening for a pocket (fig 2a).

As to claim 17 : See claim 1 rejection. As noted in the claim 7 rejection , the sum of the whole +the sum of the part will always exceed the sum of the whole.

As to claim 19 : Tucker discloses a head adapted to receive a shaft (fig 2a item 200).

As to claim 20 : See claim 1 rejection.

As to claim 23 : Tucker discloses a first and second protrusions (first and last protrusions of item 206) and a bottom tab (fig 2a item 208 middle tab).

As to claim 24 : Tucker discloses a head adapted to receive a shaft (fig 2a item 200) with a sidewall no greater than a specified sidewall height.

As to claim 25 : See claim 20 rejection. . As noted in the claim 7 rejection , the sum of the whole +the sum of the parts will always exceed the sum of the whole.

As to claim 26 : Tucker discloses a tooth disposed on the top edge of a sidewall (fig 2a 206), a tab disposed at the bottom of the sidewall (item 902 in fig 9a) with a sidewall height no greater than the maximum sidewall height.

As to claim 27 : Tucker discloses tab that protrudes towards the interior area (inner edge of item 206 fig 2a).

As to claim 28 : Tucker discloses tab that protrudes away from the interior area (outer edge of item 206 fig 2a).

As to claim 29 : Tucker discloses thread openings (208).

As to claim 30 : Tucker discloses a first and second tooth (first and last tooth of item 206, and a tab (middle tab of item 208).

The applied reference has a common *assignee* with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dill et al. Dill et al discloses the elements of the claim , however it fails to clearly disclose the use of the dimensions cited 1.8" and 2". Although the size limitations are not disclosed in the base reference, the claimed dimensions would be obvious to one of ordinary skill in the art in order to manufacture a head that would be in compliance with the regulations for a men's or woman's lacrosse head (See instant spec pg 3 paragraph 6).

Also,

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow (6,066,056). Morrow discloses the elements of the claim , however it fails to clearly disclose the use of the dimensions cited 1.8" and 2". Although the size limitations are not disclosed in the base reference, the claimed dimensions would be obvious to one of

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ordinary skill in the art in order to manufacture a head that would be in compliance with the regulations for a men's or woman's lacrosse head (See instant spec pg 3 paragraph

Also,

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow (6,561,932). Morrow discloses the elements of the claim, however it fails to clearly disclose the use of the dimensions cited 1.8" and 2". Although the size limitations are not disclosed in the base reference, the claimed dimensions would be obvious to one of ordinary skill in the art in order to manufacture a head that would be in compliance with the regulations for a men's or woman's lacrosse head (See instant spec pg 3 paragraph

Also,

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker et al (6,723,134). Tucker et al discloses the elements of the claim, however it fails to clearly disclose the use of the dimensions cited 1.8" and 2". Although the size limitations are not disclosed in the base reference, the claimed dimensions would be obvious to one of ordinary skill in the art in order to manufacture a head that would be in compliance with the regulations for a men's or woman's lacrosse head (See instant spec pg 3 paragraph

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chambers whose telephone number is 703-306-5516. The examiner can normally be reached on 8:30-5:00.

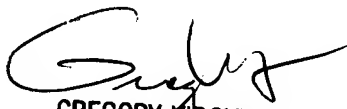
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6723134*5080372*6066056*6561932*5651549

Michael Chambers
Examiner
Art Unit 3711

June 27, 2004


GREGORY VIDOVICH
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